THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.4025 of 2001

Date: 08.08.2007

Between:

Jogi Ramana Rao, S/o.Nakuludu and 13 others

..... PETITIONERS

AND

1. The Executive Engineer,
   Roads & Buildings Department,
   Krishna District at Machilipatnam and four others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.4025 of 2001

ORDER:

In spite of listing the matter under the caption "for dismissal", none appears for the petitioners.

This writ petition is filed for issuing writ of *Mandamus* declaring the action of the respondents in alienating the road margin of Vuyyuru – Thotlavalluru State Highway in favour of the fourth respondent for construction of offices and residential quarters, as illegal and void.

The fourth respondent filed a counter-affidavit stating that they have addressed a letter to the Panchayat authorities with a request to provide Panchayat site at Ammana Colony in Thotlavallur Road, Vuyyuru for construction of Police Quarters and Circle Office in the month of January, 2000. In response to the said request, the Panchayat authorities passed resolution No.18 agreeing to provide one acre of land in favour of the police authorities on 29.01.2000, and the same was addressed to the Mandal Revenue Officer, Vuyyuru for alienation and to measure the boundaries in R.S.No.27/1 of Vuyyuru Town situated at the road side of Vuyyuru-Thotlavalluru Road. The Mandal Revenue Officer, in turn, addressed to the Deputy Executive Engineer, R&B, Vuyyuru for alienation of the said land in favour of Police Department, dated 14.03.2000. When the matter is pending, based upon the above correspondence, the present writ petition has been filed by the petitioners with ulterior motive and that the petitioners, who are having the respective houses, wanted to occupy the adjacent land, which is now sought to be allotted to the fourth respondent.

Though the said counter-affidavit has been filed as early as on 06.06.2001, no reply-affidavit has been filed by the petitioners

controverting the said facts.

In view of the same, and since the land has not been alienated in favour of the fourth respondent, no writ can be issued on the contemplated action likely to be initiated, unless the same is fortified into alienation. However, if the said land is alienated in favour of the fourth respondent, the petitioners can question the same before the appropriate authorities.

The writ petition is accordingly dismissed. There shall be no order as to costs.

A. GOPAL REDDY, J

Date: 08.08.2007

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